

# **EXHIBIT S**

## CONDON & FORSYTH LLP

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February 8, 2008

### *VIA EMAIL*

Scott R. Torpey, Esq.  
Jaffe, Raitt, Heuer & Weiss  
27777 Franklin Road, Suite 2500  
Southfield, MI 48034-8214

Re: All Nippon Airways Company, Ltd. v. United Air Lines, Inc.  
United States District Court for the Northern District of California  
Case No. C 07 3422 EDL  
C & F Ref.: MST/05901

Dear Scott:

Attached hereto are complete copies of ANA's current Operations Manual in the English language (Bates Nos. ANA004779 to ANA005008), and current Boeing 777 Airplane Operating Manual primarily in the English language (Bates Nos. ANA002175 to ANA004478). These are proprietary documents that are marked "Confidential" and are covered by the Agreed Protective Order Regarding Confidential Information.

We have not heard from you since our meet and confer in San Francisco on January 23 and 24 when we offered to attempt to reconstruct sections of the Operating Manual and B777 Airplane Operating Manual in effect on the day of the Accident that you reasonably believe to be relevant to this matter.

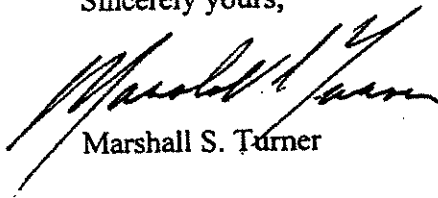
In addition to the documents you agreed to produce that are identified in Scott Cunningham's letter to Jeff (cc'd to you) of January 30, 2008, we are also awaiting many of the documents that you had indicated would be forthcoming in your responses to our document requests. We are also awaiting production of documents in response to our document requests and deposition notices for Mr. Hernandez and Mr. Kato.

Moreover, as you know, barely a handful of the 175 pages of documents you identified as "Attorney Eyes Only" in M. Gentile's Exhibit 3 could even arguably be considered confidential by anyone's definition. Please re-examine the documents and make a "good faith determination" as to which documents warrant protection under F.R.C.P. 26(c).

CONDON & FORSYTH LLP

Scott Torpey  
February 8, 2008  
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Sincerely yours,

A handwritten signature in black ink, appearing to read "Marshall S. Turner", written over a horizontal line.

Marshall S. Turner

MST/hlj

Attachments

Cc: Jeffrey A. Worthe, Esq.  
Scott Cunningham, Esq.  
Timothy H. Eskridge, Esq.